

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
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DATE FILED: 7/28/09

DEY,

Plaintiff,

07 Civ. 2353 (JGK)

- against -

MEMORANDUM OPINION AND  
ORDER

SEPRACOR,

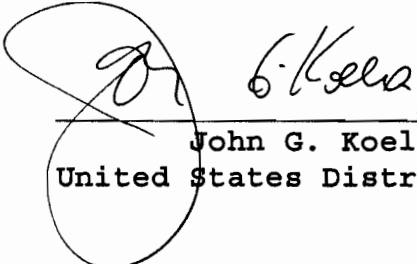
Defendant.

JOHN G. KOELTL, District Judge:

Plaintiffs and counterclaim defendants Dey, LP and Dey, Inc., and counterclaim defendant Mylan, Inc. (collectively "Dey") object to Magistrate Judge Ellis's Order denying Dey's motion for an order to compel the depositions of the current and former Chief Executive Officers of defendant and counterclaim plaintiff Sepracor, Inc. ("Sepracor"). The Order was plainly well within the discretion of the Magistrate Judge to supervise discovery and was neither clearly erroneous nor contrary to law. See Fed. R. Civ. P. 72(a). Therefore, the objection is overruled.

SO ORDERED.

Dated: New York, New York  
July 28, 2009

  
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John G. Koeltl  
United States District Judge